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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,207	02/02/2004	Hermis Ortega	230235	6055

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,207

Applicant(s)

ORTEGA, HERMIS

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

Drawings Objection

The drawings are objected to because:

- (1) In Fig.1a, reference numeral "97" is not described in the specification.
- (2) In Fig.4c, reference numeral "392" is not described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of claims 3, 4, 5, 6 and 7 is confusing. As the disclosed invention is understood, the machine does not comprise different head means. The machine comprises only one single head means that is removably secured on the machine housing so that, upon removal of that head means, another head means of different type can be secured to the housing in place of the previous head means. It is suggested the preamble of claims 3-10 be amended to call for a kit wherein additional head means can be used with the claimed portable grooming machine.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blackwell (U.S. Patent No. 2,183,442) in view of Shaw et al. (U.S. Patent No. 3,369,294).

Blackwell discloses a portable grooming machine comprising a housing (10,11); a motor assembly (see page 1, lines 31-32) and an electrically powered drive member (35,35') mounted inside the housing (10,11); a first head means (26,28,29) removably secured (see page 1, lines 49-52 and page 2, lines 62-65) upon the housing (10,11) for cutting hair while vacuuming the hair into the housing (10,11), the first head means (26,28,29) comprising a first cutter (28,29) with a first coupling element (33,34) that when assembled are housed within the first head means (26,28,29), the first coupling element (33,34) transmits a first drive motion to the first cutter (28,29), the first coupling element (33,34) is adapted to be set in reciprocating motion by the electrically powered drive member (35,35'), and the drive motion is transmitted to the first cutter (28,29) substantially as claimed except it lacks a removable power cord assembly.

Shaw et al. show a portable grooming machine comprising a housing (11) and a power cord assembly (75, see Fig.11) removably connected to the housing (see column 5, lines 32-36).

It would have been obvious to one skilled in the art to modify Blackwell by providing the portable grooming machine with a removable power cord assembly to facilitate connecting the grooming machine to an electric outlet for conveying electrical energy to the machine as taught by Shaw et al.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 5,261,161) in view of Blackwell (U.S. Patent No. 2,183,442) and Shaw et al. (U.S. Patent No. 3,369,294).

Lee shows a portable grooming machine (Fig.23) substantially as claimed except head means (62,63,66,67) is not removably secured to the machine housing, and the machine lacks a removable poser cord assembly.

Blackwell teaches removably securing head means (26,28,29) of a grooming machine to a machine housing (see page 1, lines 49-52 and page 2, lines 62-65).

It would have been obvious to one skilled in the art to removably secure Lee's head means to the housing so that the head means can be removed as needed as taught by Blackwell.

Shaw et al. show a portable grooming machine comprising a housing (11) and a power cord assembly (75, see Fig.11) removably connected to the housing (see column 5, lines 32-36).

Therefore, it would have been obvious to one skilled in the art to further modify Blackwell by providing the portable grooming machine with a removable power cord assembly to facilitate connecting the grooming machine to an electric outlet for conveying electrical energy to the machine as taught by Shaw et al.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (U.S. Patent No. 5,261,161), Blackwell (U.S. Patent No. 2,183,442) and Shaw et al. (U.S. Patent No. 3,369,294) as applied to claim 1 above, and further in view of Kraus (U.S. Patent No. 3,272,209).

Lee's portable grooming machine as modified above shows all the claimed structure except the guard (64) is not mounted on the housing by a track-and-rail arrangement.

Kraus shows a guard (70) to be mounted on a grooming machine (see Fig.5). The housing (92) of the machine comprises first and second faces having a plurality tracks (94) for receiving rails (76,78) extending from the guard (70).

It would have been obvious to one skilled in the art to further modify Lee by mounting the guard (64) to the housing by a track-and-rail arrangement to facilitate slidable adjustment of the guard relative to the housing as taught by Kraus.

Indication of Allowable Subject Matter

Claims 3-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Prior Art Citations

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Peterson, Brodie, Baumann, Geer, Bickford, Degregorio, Jr., and Cutting are cited as art of interest.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

H Payer
May 27, 2005

H Payer

Hwei-Siu Payer
Primary Examiner